

**Chapter 27****RECREATION COMMISSION****§ 27-1. Establishment.****§ 27-2. Composition.****§ 27-3. Terms of office of members.****§ 27-4. Powers of Commission.****§ 27-5. Reservation of powers.****§ 27-6. Annual budget and annual report.****§ 27-7. Recreation Commission.****§ 27-8. Hours of operation.****§ 27-9 Docking of boats.**

**[HISTORY: Adopted by the Board of Trustees of the Village of Cold Spring 11-25-75 as L.L. No. 2-1975. Amendments noted where applicable. ]**

**§ 27-1. Establishment.**

There is hereby established the Recreation Commission of the Village of Cold Spring in accordance with the provisions of § 243 of the General Municipal Law.

**§ 27-2. Composition.**

The Commission shall consist of seven (7) persons who are residents of the Village and shall be appointed by the Board of Trustees. The terms of the members of such Commission first appointed shall be so fixed that the term of one (1) Commissioner shall expire annually thereafter. The members of such Commission shall serve without compensation.

**§ 27-3. Terms of office of members.**

Such members shall serve until their successors are appointed. Vacancies in such Commission occurring otherwise than by expiration of the term shall be for the unexpired term and shall be filled in the same manner as original appointments.

**§ 27-4. Powers of Commission.**

The following powers, subject to the provisions in § 27-5, are hereby delegated to the Recreation Commission:

- A. The complete and exclusive control, management and maintenance of all Village-owned or operated parks, playgrounds, recreational centers and recreational facilities.
- B. The employment of recreational directors, playground directors, playground assistants and supervisors, subject to the approval of the Board of Trustees.
- C. The power to use:
  - (1) Such Village property as the Board of Trustees may from time to time set apart therefor.
  - (2) With the consent of the Board of Education, such school buildings, premises and property as may be suitable and desirable therefor.
  - (3) With the consent of the owners and of the Board of Trustees, such private property as may be suitable and desirable therefor.
- D. The power to adopt and continue rules of procedure for the conduct of all business within its jurisdiction.
- E. Any other necessary powers fully and satisfactorily to carry out the purposes for which this Commission is established.

**§ 27-5. Reservation of powers.**

The Board of Trustees expressly reserves the following powers:

- A. The power to take any steps deemed necessary in connection with the finances of said Recreation Commission.
- B. The power to take any steps necessary in connection with the hiring of recreational directors or the appointment of other employees by the said Commission.

- C. The power to assign employees to this Commission from other Village departments and to assign employees of this Commission to other Village departments.
- D. The power to purchase additional real property for use as parks.
- E. The power of general regulation which the Board may deem expedient and necessary.

**§27-6. Annual budget and annual report.**

The Recreation Commission shall prepare an annual budget before February 1 of each year and file an annual report at the end of each fiscal year.

**§27-7. Recreation Commission. [Added 6-13-00 by L.L. 2000-1]**

The use of all Village parks is by permission of the Village Recreation Commission and Board:

Permission of the Recreation Commission is required for the use of any Village park for all public events and for all private events where more than ten people are expected to attend. Application for permission to use any Village park must be made by a town or Village resident at the Village office at least four weeks prior to any requested date and is subject to the approval of the Commission and the Village Board.

**§27-8. Hours of Operation. [Added 6-13-00 by L.L. 2000-1]**

Mayor’s Park:	7:00 a.m. to 9:00 p.m.	March 1 through December 31
Waterfront Park	7:00 a.m. to 11:00 p.m.	All Year
Playground in McConville Park	8:00 a.m. to dusk	March 1 through December 31

Use of Playground and Mayor’s Park is restricted to full and part time residents of the Town of Philipstown and their guests.

**§27-9. Docking of Boats. [Added 06-03-2009 by Local Law 2 of 2009]**

- A. As used herein, the term “Dock” or “Docking” is intended to mean any non-emergency connection, by tying up or otherwise mooring or anchoring to or within 100 feet off the Village dock and 200 feet off the area adjacent to the Village dock or northerly or southerly of the Village dock along the property within the Village Waterfront Park.
- B. Except as provided below, there shall be no docking of any vessels, including ships, boats, barges, canoes, kayaks, or any other private vessel of any size or type at the Waterfront Park.
- C. Upon written application to Village Board for permission to dock at the Waterfront Park, the Village Board may issue a permit allowing a vessel to dock at the Village Waterfront Park upon a finding that special circumstances exist warranting departure from the general prohibition upon docking.
- D. In determining whether special circumstances exist, the Village Board shall take into consideration the following:
  - (1) The nature of the vessel at issue and whether there is anything unique, unusual or otherwise distinguishing about it so as to make it a matter of interest to the public;
  - (2) The purpose for which the vessel seeks to dock at the Waterfront Park, and whether the vessel’s presence will be an occasion for public display, inspection or other means of appreciation thereof;
  - (3) The length of time the vessel proposes to dock at the Waterfront Park;
  - (4) The number of other vessels which will be docked at the Waterfront Park during the day or days for which the permit is sought; and
  - (5) Whether the presence of the vessel at the Waterfront Park presents any hazards to health and safety or would otherwise be detrimental to use and enjoyment of the Waterfront Park.
- E. Applicants seeking permits to dock at the Waterfront Park shall state, with reasonable specificity the area, berth or mooring that they propose to occupy.

- F. Docking permits are not transferable, and shall be issued for the exclusive use of the permit holder for a specific vessel for specific set dates. Permit holders shall comply with all applicable provisions of the Village Code.
- G. Assumption of risk and hold harmless. The owners and users of vessels docking at the Waterfront Park dock at their own risk. The Village, Village Officers, Trustees, agents and/ or employees, shall not be responsible for loss, theft, destruction, or damage, regardless of the cause thereof, to any vessel docking thereat, including equipment, fixtures and contents of any boat. Further, it shall be a condition of all permits that the applicant shall hold the Village harmless for any claims arising from the use of the vessel while docking or docked at the Waterfront Park.
- H. A violation of this section will subject the owner, occupant or user of the vessel to a fine of \$100.00 per occurrence. Each hour in violation constitutes a separate violation.

### Section 3. Severability

If any clause, sentence, paragraph, word, section or part of this local law shall be judged by any court of competent jurisdiction to be unconstitutional, illegal or invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, word, section or part thereof directly involved in the controversy in which judgment shall have been rendered.

### Section 4. Effective Date

This local law shall take effect immediately upon filing with the Secretary of State in Albany.